

By: Maureen L. Forsyth  
Maureen L. Forsyth  
Executive Officer

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8  
9 **BEFORE THE**  
**PHYSICIAN ASSISTANT BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **SARAH NICHOLE HODOSH, P.A.**  
14 **133 Promontory Ter**  
**San Ramon, CA 94583-1553**

15 **Physician Assistant License No. PA-53678**

16 **Respondent.**

Case No. 950-2018-001895

OAH No. 2019030893

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant  
22 Board (Board). She brought this action solely in her official capacity and is represented in this  
23 matter by Xavier Becerra, Attorney General of the State of California, via Joshua M. Templet,  
24 Deputy Attorney General.

25 2. Sarah Nichole Hodosh, P.A. (Respondent) is represented in this proceeding by  
26 attorney Michael A. Firestone, JD, MBA, 1700 South El Camino Real, Suite 408 San Mateo,  
27 CA 94402.

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1           3.     On or about August 19, 2016, the Board issued Physician Assistant License No.  
2 PA-53678 to Respondent. The license was in full force and effect at all times relevant to the  
3 charges brought in Accusation No. 950-2018-001895 and will expire on April 30, 2020, unless  
4 renewed.

5                                   **JURISDICTION**

6           4.     Accusation No. 950-2018-001895 (Accusation) was filed before the Board and is  
7 currently pending against Respondent. The Accusation and all other statutorily required  
8 documents were properly served on Respondent, on February 22, 2019. Respondent timely filed  
9 her Notice of Defense contesting the Accusation. A copy of the Accusation is attached as  
10 **Exhibit A** and incorporated by reference.

11                                   **ADVISEMENT AND WAIVERS**

12           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in the Accusation. Respondent also has carefully read, fully discussed  
14 with counsel, and understands the effects of this Stipulated Surrender of License and Order.

15           6.     Respondent is fully aware of her legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
17 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
19 documents; the right to reconsideration and court review of an adverse decision; and all other  
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23                                   **CULPABILITY**

24           8.     Respondent understands that the charges and allegations in the Accusation, if proven  
25 at a hearing, constitute cause for imposing discipline upon her Physician Assistant License.

26           9.     For the purpose of resolving the Accusation without the expense and uncertainty of  
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up her right to contest that cause for discipline exists based on those  
2 charges.

3 10. Respondent understands that by signing this stipulation she enables the Board to issue  
4 an order accepting the surrender of her Physician Assistant License without further process.

5 **CONTINGENCY**

6 11. This stipulation shall be subject to approval by the Board. Respondent understands  
7 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
8 with the Board regarding this stipulation and surrender without notice to or participation by  
9 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that  
10 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
11 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
12 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
13 paragraph; it shall be inadmissible in any legal action between the parties; and the Board shall not  
14 be disqualified from further action by having considered this matter.

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
16 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
17 thereto, shall have the same force and effect as the originals.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Physician Assistant License No. PA-53678, issued to  
22 Respondent Sarah Nichole Hodosh, P.A., is surrendered and accepted by the Board.

23 1. The surrender of Respondent's Physician Assistant License and the acceptance of the  
24 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
25 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
26 license history with the Board.

27 2. Respondent shall lose all rights and privileges as a physician assistant in California as  
28 of the effective date of the Board's Decision and Order.

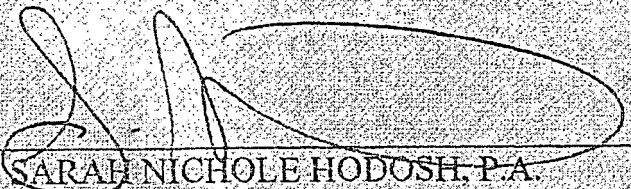
3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations, and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

#### ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Michael A. Firestone, JD, MBA. I understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently and agree to be bound by the Decision and Order of the Physician Assistant Board.

DATED: 2/28/20

  
SARAH NICHOLE HODOSH, P.A.  
Respondent

I have read and fully discussed with Respondent Sarah Nichole Hodosh, P.A. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3/2/2020

  
MICHAEL A. FIRESTONE, JD, MBA  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Physician Assistant Board of the Department of Consumer Affairs.

DATED: 3/6/2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
E. A. JONES III  
Supervising Deputy Attorney General

*Joshua M. Templet*  
JOSHUA M. TEMPLET  
Deputy Attorney General  
*Attorneys for Complainant*

SF2018201930  
54018167

**Exhibit A**

**Accusation No. 950-2018-001895**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 JOSHUA M. TEMPLET  
Deputy Attorney General  
4 State Bar No. 267098  
455 Golden Gate Avenue, Suite 11000  
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7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Feb. 22 20 19  
BY Sara Pasion ANALYST

8  
9 **BEFORE THE**  
**PHYSICIAN ASSISTANT BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

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13 In the Matter of the Accusation Against:

Case No. 950-2018-001895

14 **Sarah Nichole Hodosh, P.A.**  
15 **133 Promontory Ter**  
**San Ramon, CA 94583-1553**

**A C C U S A T I O N**

16 **Physician Assistant**  
17 **License No. PA 53678,**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer  
24 Affairs (Board).

25 2. On August 19, 2016, the Board issued Physician Assistant License Number PA 53678  
26 to Sarah Nichole Hodosh, P.A. (Respondent). The license was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on April 30, 2020, unless renewed.

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3. On January 15, 2019, Complainant filed a Petition for Interim Order of Suspension of Respondent's Physician Assistant license. Respondent subsequently agreed to entry of the interim order of suspension. On February 6, 2019, an administrative law judge on behalf of the Board entered an Interim Order of Suspension prohibiting Respondent from practicing as a physician assistant, as stipulated by the parties. The order is in effect and Respondent's license remains suspended pending the Board's Decision and Order.

## JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws:

5. Business and Professions Code, section 3527, subdivision (a), provides that the Board may suspend, revoke, or impose probationary conditions on a physician assistant license for unprofessional conduct, which includes but is not limited to a violation of the Physician Assistant Practice Act, a violation of the Medical Practice Act, or a violation of the regulations adopted by the Board or the Medical Board of California.

6. Business and Professions Code, section 2234, provides that the Board shall take action against a licensee who is charged with unprofessional conduct, which includes but is not limited to the commission of any act involving dishonesty or corruption. .

7. Business and Professions Code, section 2238, provides that a violation of any federal or state statute or regulations regulating dangerous drugs or controlled substances constitutes unprofessional conduct.

8. Business and Professions Code, section 2239, provides that the use or prescribing for or administering to herself of any controlled substance, or the use of any of the dangerous drugs specified in Section 4022, in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely constitutes unprofessional conduct.

9. Business and Professions Code, section 2242, subdivision (a), provides that prescribing, dispensing, or furnishing dangerous drugs without an appropriate prior examination and a medical indication constitutes unprofessional conduct.

1       10. Business and Professions Code, section 2261, provides that knowingly making or  
2 signing any certificate or other document directly or indirectly related to the practice of medicine  
3 that falsely represents the existence or nonexistence of a state of facts constitutes unprofessional  
4 conduct.

5       11. Business and Professions Code, section 2266, states: "The failure of a physician and  
6 surgeon to maintain adequate and accurate records relating to the provision of services to their  
7 patients constitutes unprofessional conduct."

8       12. Business and Professions Code, section 4022, states:

9       "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-  
10 use in humans or animals, and includes the following:

11       (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
prescription," "Rx only," or words of similar import.

12       (b) Any device that bears the statement: "Caution: federal law restricts this device to  
13 sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
14 blank to be filled in with the designation of the practitioner licensed to use or order  
use of the device.

15       (c) Any other drug or device that by federal or state law can be lawfully dispensed  
16 only on prescription or furnished pursuant to Section 4006.

17       13. Business and Professions Code, section 822, states:

18       If a licensing agency determines that its licentiate's ability to practice his or her  
19 profession safely is impaired because the licentiate is mentally ill, or physically ill  
affecting competency, the licensing agency may take action by any one of the  
20 following methods:

21       (a) Revoking the licentiate's certificate or license.

22       (b) Suspending the licentiate's right to practice.

23       (c) Placing the licentiate on probation.

24       (d) Taking such other action in relation to the licentiate as the licensing agency in its  
25 discretion deems proper.

26       The licensing agency shall not reinstate a revoked or suspended certificate or license  
27 until it has received competent evidence of the absence or control of the condition  
28 which caused its action and until it is satisfied that with due regard for the public  
health and safety the person's right to practice his or her profession may be safely  
reinstated.

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14. Health and Safety Code, section 11368, states

Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured by a forged, fictitious, or altered prescription, shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison.

15. Health and Safety Code, section 11153, subdivision (a), states:

A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

16. Health and Safety Code section 11154, subdivision (a), provides that except in the regular practice of his or her profession, no person shall knowingly prescribe, administer, dispense or furnish a controlled substance to or for any person not under his or her treatment for a pathology or condition.

17. Health and Safety Code, section 11157, provides that: "No person shall issue a prescription that is false or fictitious in any respect."

18. Health and Safety Code, section 11170, provides that: "No person shall prescribe, administer, or furnish a controlled substance for himself."

19. Health and Safety Code, section 11173, states:

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

(b) No person shall make a false statement in any prescription, order, report, or record, required by this division.

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1 (c) No person shall, for the purpose of obtaining controlled substances, falsely assume  
2 the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,  
3 physician, dentist, veterinarian, registered nurse, physician's assistant, or other  
4 authorized person.

...

20. California Code of Regulations, title 16, section 1399.521, states:

5 In addition to the grounds set forth in section 3527, subd. (a), of the code the board  
6 may deny, issue subject to terms and conditions, suspend, revoke or place on  
7 probation a physician assistant for the following causes:

8 (a) Any violation of the State Medical Practice Act which would constitute  
9 unprofessional conduct for a physician and surgeon.

...

10 (d) Performing medical tasks which exceed the scope of practice of a physician  
11 assistant as prescribed in these regulations.

21. California Code of Regulations, title 16, section 1399.525, states:

12 For the purposes of the denial, suspension or revocation of a license pursuant to  
13 division 1.5 (commencing with section 475) of the code, a crime or act shall be  
14 considered to be substantially related to the qualifications, functions or duties of a  
15 person holding a license under the Physician Assistant Practice Act if to a substantial  
16 degree it evidences present or potential unfitness of a person holding such a license to  
17 perform the functions authorized by the license in a manner consistent with the public  
18 health, safety or welfare. Such crimes or acts shall include, but are not limited to, the  
19 following:

20 (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting  
21 the violation of, or conspiring to violate any provision or term of the Medical Practice  
22 Act.

23 (b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting  
24 the violation of, or conspiring to violate any provision or term of the Physician  
25 Assistant Practice Act.

...

26 (e) Any crime or act involving the sale, gift, administration, or furnishing of narcotics  
27 or dangerous drugs or dangerous devices, as defined in Section 4022 of the code.

...

### 28 COST RECOVERY

22. Section 125.3 of the Business and Professions Code provides that the Board may  
request the administrative law judge to direct a licensee found to have committed a violation of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

#### 4 FACTS

5 23. Respondent practiced as a physician assistant at the Northern California Spine  
6 Institute (NCSI) in Pleasanton, California, since September 2016. On May 11, 2018, the patient  
7 care coordinator for one of NCSI's physicians, Kevin C. Booth, M.D., overheard Respondent on  
8 the telephone with a pharmacist calling in a prescription for herself, using the care coordinator's  
9 name. Respondent asked the care coordinator not to tell Dr. Booth of her discovery. Soon  
10 thereafter, NCSI determined that Respondent had been self-prescribing narcotics during the  
11 preceding months by impersonating Dr. Booth and his care coordinator on the telephone and by  
12 forging Dr. Booth's signature on prescription forms. NCSI terminated Respondent's employment.  
13 On May 16, 2018, NCSI submitted a complaint to the Physician Assistant Board regarding  
14 Respondent's self-prescribing and forged prescriptions. The Board subsequently investigated the  
15 case and determined that, between February 8, 2017 and May 11, 2018, Respondent had  
16 prescribed well over 1,000 tablets and capsules of medications, primarily narcotics, by  
17 fraudulently misusing Dr. Booth's prescribing authority and by misusing her own prescribing  
18 authority as a physician assistant.

19 **Respondent has a history of substance abuse and has been diagnosed with a severe narcotic**  
20 **addiction.**

21 24. The investigator assigned by the Health Quality Investigation Unit to investigate this  
22 case on behalf of the Board interviewed Respondent at her home, on September 28, 2018. During  
23 the interview, Respondent admitted to being a drug addict and stated that she had sought  
24 treatment for addiction by enrolling in an outpatient rehabilitation program at Diablo Valley Drug  
25 and Alcohol Services. Respondent began treatment in May 2018, after NCSI terminated her  
26 employment.

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1       25. On May 15, 2018, Respondent went to her primary care physician's office, where she  
2 told the treating physician assistant that she had "been abusing narcotic medications over the last  
3 4 months."<sup>1</sup> Respondent confided that she had "used both meds prescribed to her directly and  
4 some from friends" and had been taking as many as "eight Tylenol #3 daily," referring to  
5 acetaminophen-codeine<sup>2</sup>, a narcotic. That same day, Respondent was diagnosed with "narcotic  
6 addiction," and was prescribed a narcotic in an effort to wean her off of opioids. On May 17,  
7 2018, a physician with Diablo Valley Drug and Alcohol Services began treating Respondent for  
8 her dependence on opioids by prescribing her Suboxone, a narcotic used to treat addiction.

9       26. Respondent presented to Diablo Valley Drug and Alcohol Services with a chief  
10 complaint of "[o]piate use disorder, severe." During the outpatient rehabilitation program, a  
11 DVDAS physician diagnosed Respondent with and treated her for "[o]piate use disorder, severe,"  
12 anxiety, and depression. In addition to narcotics, Respondent had also been addicted to  
13 gabapentin,<sup>3</sup> from which she exhibited symptoms of withdrawal. The DVDAS physician  
14 prescribed her a tapering dose of gabapentin to wean her from this addiction.

15 **Respondent forged prescriptions and impersonated Dr. Booth and his care coordinator to**  
16 **prescribe herself narcotics and other medications.**

17       27. During her September 28, 2018 interview, Respondent admitted unlawfully writing  
18 prescriptions and calling in telephone prescriptions to obtain medications, including controlled  
19 substances, for her personal use. Respondent wrote herself the following prescriptions bearing the  
20 name, DEA number, and forged signature of Dr. Booth:

21  
22  
23 <sup>1</sup> In fact, Respondent's unlawful self-prescribing and diversion of narcotics and other  
medications that she misused began well before early 2018, in February 2017.

24 <sup>2</sup> Acetaminophen-codeine is used to relieve pain and contains a narcotic pain reliever  
(codeine) and a non-narcotic pain reliever (acetaminophen). Common brand names of this drug  
25 include Tylenol with Codeine #3. Acetaminophen-codeine is a Schedule III controlled substance,  
(Health & Saf. Code, § 11056(e)(2)), and is a dangerous drug as defined by Business and  
26 Professions Code, section 4022.

27 <sup>3</sup> Gabapentin is an anticonvulsant drug used to treat epileptic seizures and neuropathic  
pain (pain that results from nerve damage), among other conditions. It is a dangerous drug as  
28 defined by Business and Professions Code, section 4022, but it is neither a narcotic nor scheduled  
as a controlled substance.

- March 12, 2018 prescription by Kevin C. Booth, M.D. to Respondent for 20 tablets of acetaminophen-codeine phosphate 300 mg-30 mg (3-day supply) (RX# 08887025);
- March 22, 2018 prescriptions by Kevin C. Booth, M.D. to Respondent for 30 tablets of oxycodone<sup>4</sup> 10 mg (7-day supply) (RX# 08888211) and 30 tablets of acetaminophen-codeine phosphate 300 mg-30 mg (4-day supply) (RX# 08888210); and
- April 12, 2018 prescriptions by Kevin C. Booth, M.D. to Respondent for 30 tablets of oxycodone hydrochloride-acetaminophen<sup>5</sup> 325 mg-10 mg (3-day supply) (RX# 08890383), a pack of 4 mg tablets of methylprednisolone<sup>6</sup> (RX# 8890381), and 30 tablets of tizanidine<sup>7</sup> 4 mg (RX# 8890382).

Respondent further supported the March 22, 2018 prescription (RX# 08888211) with forged, handwritten notes purporting to have been written by Dr. Booth stating, "Pt. Seen today, scheduled for procedure," and stating that the prescribed medication was needed for "severe break-thru pain."

28. By impersonating Dr. Booth's patient care coordinator on the telephone and using Dr. Booth's name and DEA number, Respondent also requested the following prescriptions for herself:

- March 6, 2018 prescriptions by Kevin C. Booth, M.D. to Respondent for 15 tablets of acetaminophen-codeine phosphate 300 mg-30 mg (2-day supply) (RX# 08886344) and 15 tablets of cyclobenzaprine<sup>8</sup> 10 mg (RX# 8886356), phoned in by "Karla";

<sup>4</sup> Oxycodone is a narcotic used to relieve pain and is a Schedule II controlled substance, (Health & Saf. Code, § 11055(b)(1)(M)), and a dangerous drug as defined by Business and Professions Code, section 4022.

<sup>5</sup> Oxycodone hydrochloride-acetaminophen is used to relieve pain and contains a narcotic pain reliever (oxycodone) and a non-narcotic pain reliever (acetaminophen). Common brand names of this drug include Percocet. Oxycodone hydrochloride-acetaminophen is a Schedule II controlled substance, (Health & Saf. Code, § 11055(b)(1)(M)), and is a dangerous drug as defined by Business and Professions Code, section 4022.

<sup>6</sup> Methylprednisolone is a corticosteroid that provides relief for inflamed areas of the body. It is a dangerous drug as defined by Business and Professions Code, section 4022.

<sup>7</sup> Tizanidine is a muscle relaxant that acts on the central nervous system and is used to treat muscle spasms. It is a dangerous drug as defined by Business and Professions Code, section 4022.

<sup>8</sup> Cyclobenzaprine is a muscle relaxant that acts on the central nervous system. It is a dangerous drug as defined by Business and Professions Code, section 4022.

- 1       • April 24, 2018 prescription by Kevin C. Booth, M.D. to Respondent for 30 tablets of  
2       acetaminophen-codeine phosphate 300 mg-30 mg (5-day supply) (RX# 08891598),  
3       phoned in by "Karla"; and
- 4       • May 11, 2018 prescriptions by Kevin C. Booth, M.D. to Respondent for 40 tablets of  
5       acetaminophen-codeine phosphate 300 mg-30 mg (7-day supply) (RX# 08893448) and 40  
6       tablets of tizanidine 4 mg (RX# 8893449), phoned in by "Sarah."

7       29. Respondent also requested the following prescriptions for herself, again by  
8       impersonating Dr. Booth and using his DEA number:

- 9       • December 5, 2017 prescription by Kevin C. Booth, M.D. to Respondent for 90 capsules of  
10       gabapentin 300 mg (RX# 8876351);
- 11       • February 18, 2018 prescription by Kevin C. Booth, M.D. to Respondent for 90 capsules of  
12       gabapentin 300 mg (RX# 8884528);
- 13       • March 16, 2018 prescription by Kevin C. Booth, M.D. to Respondent for 90 capsules of  
14       gabapentin 300 mg (RX# 8884528); and
- 15       • April 11, 2018 prescription by Kevin C. Booth, M.D. to Respondent for 90 capsules of  
16       gabapentin 300 mg (RX# 8887560).

17       **Respondent also misused Dr. Booth's prescribing authority to unlawfully prescribe and**  
18       **obtain narcotics under the name of her mother.**

19       30. During her September 28, 2018 interview, Respondent admitted that she had obtained  
20       medications from multiple prescriptions under the name of her mother, Joan Hodosh. NCSI's  
21       Chief Operating Officer reported that while he was cleaning out Respondent's desk following her  
22       termination, he discovered a bottle of prescription narcotics bearing Respondent's mother's name.  
23       The medication label indicated that Dr. Booth had prescribed the medication to Respondent's  
24       mother. In fact, Respondent's mother, who lives in Rhode Island, had never been a patient of  
25       NCSI or Dr. Booth.

26       31. The bottle of prescription narcotics found in Respondent's desk was one of several  
27       medications that Respondent admitted obtaining after having misused Dr. Booth's prescribing  
28



1 authority to prescribe it to her mother. Respondent used Dr. Booth's DEA number to request the  
2 following prescriptions for her personal use:

- 3 • November 3, 2017 prescription by Kevin C. Booth, M.D. to Respondent's mother for 30  
4 tablets of acetaminophen-codeine phosphate 300 mg-30 mg (8-day supply), phoned in by  
5 "Sarah" (RX# 08872677) (this was the prescription for the bottle of medication  
6 discovered in Respondent's desk at NCSI);
- 7 • December 5, 2017 prescription by Kevin C. Booth, M.D. to Respondent's mother for 30  
8 tablets of acetaminophen-codeine phosphate 300 mg-30 mg (5-day supply), phoned in by  
9 "Sarah" (RX# 08876344); and
- 10 • March, 15, 2018 prescription by Kevin C. Booth, M.D. to Respondent's mother for 30  
11 tablets of acetaminophen-codeine phosphate 300 mg-30 mg (5-day supply), phoned in by  
12 "Sarah" (RX# 08887380).

13 Each of these prescriptions was filled by the same CVS pharmacy in San Ramon, California  
14 where Respondent had her own prescriptions filled.

15 **Respondent also misused her own prescribing authority as a physician assistant to**  
16 **unlawfully prescribe and obtain narcotics under the names of her friends.**

17 32. During her September 28, 2018 interview, Respondent also said that she had obtained  
18 medications from multiple prescriptions under the name of her friend, R.T.<sup>9</sup> Respondent wrote  
19 over two dozen prescriptions for narcotics filled in R.T.'s name, between February 8, 2017 and  
20 April 30, 2018. Respondent stated that R.T. was only aware of one of these prescriptions, which  
21 they "shared." R.T. had no knowledge of the other prescriptions that she wrote to him, which  
22 Respondent obtained for her personal use.

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27 <sup>9</sup> This individual is designated as R.T. to protect his privacy. Respondent knows the name  
28 of this person and can confirm his identity through discovery.

1 33. Respondent also told the investigator that she had prescribed medication without any  
2 medical purpose to another friend, R.B.<sup>10</sup> Respondent wrote five prescriptions that were filled in  
3 R.B.'s name, between December 31, 2017 and February 18, 2018, four of which were for  
4 narcotics (oxycodone hydrochloride-acetaminophen 325 mg-10 mg) and one which was for  
5 diazepam.<sup>11</sup>

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Self-Prescribing, Prescribing Without Indication, Dishonesty/Corruption, False**  
8 **Documents, Forged Prescriptions, Obtaining Controlled Substances by Fraud or Deceit,**  
9 **Gifting Dangerous Drugs, Inadequate Records)**

10 34. The foregoing paragraphs of this Complaint are re-alleged and incorporated by  
11 reference as if fully set forth herein.

12 35. Since approximately February 2017, Respondent has engaged in a pattern of conduct  
13 that violates the Physician Assistant Practice Act and the Medical Practice Act. During this time,  
14 Respondent abused and became severely addicted to narcotic drugs and other medications, taking  
15 as many as eight tablets of acetaminophen-codeine per day, which she fraudulently prescribed to  
16 herself by impersonating and forging the signature of a physician at her place of employment.  
17 Respondent also misused the physician's prescribing authority to unlawfully prescribe and obtain  
18 narcotics under the name of her mother. In addition, Respondent misused her own prescribing  
19 authority as a physician assistant to unlawfully prescribe and obtain narcotics under the names of  
20 her friends, often without their knowledge.

21 36. Respondent's creation of fraudulent prescriptions to obtain medication for her  
22 personal use was knowing and calculated. She completed NCSI prescription forms with Dr.  
23 Booth's name and DEA number and forged his signature. Respondent also called in prescriptions  
24 by providing Dr. Booth's name and DEA number to the pharmacy and both misrepresenting over  
25 the telephone that Dr. Booth had delegated prescribing authority to her and impersonating Dr.

26 <sup>10</sup> This individual is designated as R.B. to protect her privacy. Respondent knows the  
27 name of this person and can confirm her identity through discovery.

28 <sup>11</sup> Diazepam is a benzodiazepine and is used to treat anxiety, among other conditions.  
Valium is a common brand name of this drug. Diazepam is a Schedule IV controlled substance,  
(Health & Saf. Code, § 11057(d)(9)), and is a dangerous drug as defined by Business and  
Professions Code, section 4022.

1 Booth's patient care coordinator. She used these false, unauthorized prescriptions—18 in total—to  
2 prescribe both herself and her mother narcotics and other medications, which she in turn obtained  
3 for her personal use.

4 37. Respondent also misused her own prescribing authority, as a physician assistant, to  
5 unlawfully prescribe and obtain narcotics under the names of her friends. Respondent wrote over  
6 two dozen prescriptions for narcotics filled in the name of her friend. She "shared" medication  
7 from one of these prescriptions with her friend, and she kept the medication from the other  
8 prescriptions for herself. Her friend was unaware that she had diverted medication from  
9 prescriptions in his name. Respondent also unlawfully wrote prescriptions for narcotics to another  
10 friend, none of which was for a legitimate medical purpose and for which she maintained no  
11 records.

12 38. Respondent's conduct constitutes unprofessional conduct and cause for discipline  
13 based on Business and Professions Code, section 2234 (general unprofessional conduct and the  
14 commission of any act involving dishonesty or corruption), Business and Professions Code,  
15 section 2238 (violation of statute or regulation regulating dangerous drugs or controlled  
16 substances), Business and Professions Code, section 2242(a) (prescribing or furnishing dangerous  
17 drugs without an appropriate prior examination and a medical indication), Business and  
18 Professions Code, section 2261 (false document), Business and Professions Code, section 2266  
19 (inadequate records), Health and Safety Code, section 11368 (prescribing or obtaining narcotic  
20 drugs by forged prescription), Health and Safety Code, section 11153(a) (illegitimate or illegal  
21 prescribing of controlled substances), Health and Safety Code, section 11154(a) (prescribing to  
22 person not under treatment), Health and Safety Code, section 11157 (issuing of false or fictitious  
23 prescription), Health and Safety Code, section 11170 (self-prescribing of controlled substance),  
24 Health and Safety Code, section 11173 (obtaining of prescription for controlled substance by  
25 fraud; false statement in prescription; false assumption of title of physician), Code of Regulations,  
26 title 16, section 1399.521(d) (performing medical tasks that exceed scope of practice) and Code  
27 of Regulations, title 16, section 1399.525(e) (gift, administration, or furnishing of narcotics).

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1        39. Respondent's conduct also constitutes violations of the Physician Assistant Practice  
2 Act and Medical Practice Act and the regulations adopted by the Board and the Medical Board,  
3 and further cause for discipline pursuant to Business and Professions Code, section 3527(a)  
4 (unprofessional conduct, including but not limited to violation of the Physician Assistant Practice  
5 Act, Medical Practice Act, or the regulations adopted by the Board or the Medical Board of  
6 California), California Code of Regulations, title 16, section 1399.521(a) (violation of Medical  
7 Practice Act for physician), California Code of Regulations, title 16, section 1399.525(a)  
8 (violating Medical Practice Act), and California Code of Regulations, title 16, section  
9 1399.525(b) (violating Physician Assistant Practice Act).

10                                    **SECOND CAUSE FOR DISCIPLINE**

11        **(Inability to Practice Safely Due to Physical or Mental Impairment or Use of Controlled  
12        Substance; Dangerous Use or Self-Prescribing of Controlled Substance)**

13        40. The foregoing paragraphs of this Complaint are re-alleged and incorporated by  
14 reference as if fully set forth herein.

15        41. Respondent is unable to practice safely as a physician assistant due to her chemical  
16 dependence. Respondent's conduct as described above subjects her to discipline based on  
17 Business and Professions Code, section 822 (inability to practice safely due to physical or mental  
18 impairment) and Business and Professions Code, section 2239 (danger or impairment from use or  
19 prescribing of controlled substance or dangerous drug).

20                                    **PRAYER**

21        WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Physician Assistant Board issue a decision:

23        1. Revoking or suspending Physician Assistant License Number PA 53678, issued to  
24 Respondent;

25        2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
26 enforcement of this case, pursuant to Business and Professions Code, section 125.3;


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1           3.    Ordering Respondent, if placed on probation, to pay the Board the costs of probation  
2 monitoring; and

3           4.    Taking such other and further action as deemed necessary and proper.  
4

5   DATED: February 22, 2019

  
MAUREEN L. FORSYTH  
Executive Officer  
Physician Assistant Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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